REMARKS

In the Office Action, claims 1-41 and 44-53 were pending. Claims 1-41 and 44-53 were rejected. In this response, claims 4-5, 8, 14-15, 23, 29, 45, and 50 have been canceled without prejudice. Claims 1-3, 7, 9, 11-13, 16-22, 24-26, 28, 30-31, 37-41, and 44 have been amended to particularly point out and distinctly claim, in full, clear, concise, and exact terms, the subject matter which Applicant regards as his invention. The support for the amendments can be found throughout the specification of the present application, such as, for example, paragraphs [0040], [0047]-[0049], [0087], [0124], [0128]-[0129], [0131], [0140]-[0143], [0237], and [0240] of the specification. No new matter has been added.

Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-41 are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. In view of the foregoing amendments, it is respectfully submitted that the rejections have been overcome.

Claims 1-10, 17-21, 23, 27-28, 44-46, and 48-53 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0210545 to Branke et al. (hereinafter "Branke").

In view of the foregoing amendments, it is respectfully submitted that the present invention as claimed includes at least one limitation that is not disclosed by Branke. Specifically, for example, independent claim 1 recites as follows:

> 1. A computer-implemented method to conduct an information survey of an information resource, the method including:
>
> in response to a request from a client to compute an information survey of an information resource, accessing, by an information resource manager

executed in a memory by a processor of a data processing system, the information resource representing at least a single entity, wherein said request initializes a survey niche comprised of a set of at least one predicate and a first group of zero or more entities that satisfy all predicates in the set, wherein said initialization is at least one of direct initialization and indirect initialization, wherein during the direct initialization the request identifies the at least one predicate and during the indirect initialization the request identifies at least one example entity belonging to the first group;

transforming the survey niche by applying a first computable function to the set to generate a transformed set having a plurality of predicates not identical with the set prior to transformation, wherein the transformed set, when evaluated against the information resource, produces a second group of zero entities that satisfy all predicates in the transformed set;

executing an algorithm to identify at least one characterized partition of the transformed survey niche where the partition is characterized by a subset of the transformed set and where the subset is satisfiable against the information resource by producing a third group of at least one entity that satisfies all predicates in the subset, the third group comprising the at least one entity in the characterized partition; and

providing at least a portion of the at least one characterized partition of the transformed survey niche as a search option to the client.

It is respectfully submitted that Branke fails to disclose each and every limitations set forth above. The set of limitations of Branke are present in all of their independent claims state that an optimization problem is submitted to their invention which then makes claims regarding how a collection of prospective, candidate solutions to the optimization problem are divided up, farmed out to processors on the network and how the results are collected back together and iterated toward a final solution. Through all steps, parts and aspects of Branke's entire invention *the optimization problem remains fixed*, exactly as submitted by the requester/user. The Branke's specification does not go into details of how an optimization problem is represented or specified. Again, *the optimization problem - the set of goals, objectives, etc. - remains fixed* in the Branke; only the set of *candidate solutions* is iterated and reformulated.

In contrast, the present invention as claimed is related to Information Surveying, where the survey niche comprises both a set of at least one predicate and a group of candidate solutions that satisfy all predicates in the set of at least one predicate. The set of at least one predicate can represent an optimization problem; that is, each predicate represents a goal, criteria, constraint, objective, etc. See e.g., paragraphs [0041] [0081]. A major feature of Information Surveying is that the set of at least one predicate *does not remain fixed as submitted by the requesting client; rather, the set of at least one predicate which can represent an "optimization problem" is itself transformed through application of a computable function*, all in advance of identifying the first solution. This is recited in the amended independent claims 1 and 44 (method and system, respectively).

As described in the specification of the present application, this transformation of the problem is done because users frequently ask for solutions to wrong and poorly formulated problems, or because the user is not sufficiently knowledgeable or is guided by misconceptions and false assumptions. See e.g., paragraphs [0036], [0047], [0048], [0055], [0082 – 0085], and [00123] of the present application. By transforming the problem, the present invention as claimed of Information Surveying helps the client to identify a better-suited problem and its solutions. As a wise person once noted, the hardest thing is to know what questions to ask; the present invention of Information Surveying uniquely helps with identifying superior questions. In comparison, the disclosure of Branke only works at solving the problem exactly as presented.

Therefore, for reasons set forth above, it is respectfully submitted that independent claim 1 is patentable over Branke.

Similarly, independent claim 44 includes limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, independent claim 44 is patentable over Branke.

Given that the rest of the claims depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are patentable over Branke.

Claims 11-14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branke in view of U.S. Patent Application Publication No. 2004/0230572 to Omoigui (hereinafter "Omoigui"). Claims 15, 16, 24-26, 29-41, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branke in view of Omoigui, and further in view of U.S. Patent No. 6,591,266 to Li et al. (hereinafter "Li").

It is respectfully submitted that Omoigui and Li also fail to disclose or suggest the limitations discussed above. For reasons similar to those set forth above, it is respectfully submitted that the present invention as claimed is also patentable over Omoigui and Li. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call/email the undersigned attorney.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: September 30, 2010

/Kevin G. Shao/

Kevin G. Shao
Attorney for Applicant
Reg. No. 45,095
Kevin_Shao@bstz.com

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(408) 720-8300